

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-CV-61136-RAR

KEISHA JOHNSTON-GE BRE,
*in her individual capacity and as
legal guardian of I.G.,*

Plaintiff,

v.

**IH4 PROPERTY FLORIDA, L.P. AND
THR PROPERTY MANAGEMENT, L.P
d/b/a INVITATION HOMES,**

Defendants.

ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Report and Recommendation, [ECF No. 28] (“Report”), by Magistrate Judge Strauss, filed on September 13, 2023. The Report recommends that the Court deny Defendant’s Motion to Dismiss (“Motion”), [ECF No. 14]. *See* Report at 1. The Report properly notified Plaintiff of their right to object to Magistrate Judge Strauss’ findings. *Id.* at 10-11. The time for objections has passed, and there are no objections to the Report. *See generally*, Docket.

When a magistrate judge’s “disposition” has been properly objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). When no party has timely objected, however, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72 advisory committee’s note to 1983 addition (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress’s intent was to only require a *de novo* review where objections have been properly filed, not when neither party objects. *See Thomas v. Arn*, 474 U.S. 140, 150

(1985) (“It does not appear that Congress intended to require district court review of a magistrate[] [judge]’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” (emphasis in original; alterations added)). In any event, the “[f]ailure to object to the magistrate [judge]’s factual findings after notice precludes a later attack on these findings.” *Lewis v. Smith*, 855 F.2d 736, 738 (11th Cir. 1988) (citing *Nettles v. Wainwright*, 677 F.2d 404, 410 (5th Cir. 1982)).

Because there are no objections to the Report, the Court did not conduct a *de novo* review. Rather, the Court reviewed the Report for clear error. Finding none, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report, [ECF No. 28], is **AFFIRMED AND ADOPTED**.
2. Defendant’s Motion, [ECF No. 14], is **DENIED**.
3. Defendants shall file their answers to the Complaint within **fourteen (14) days** of the date of this Order.

DONE AND ORDERED in Miami, Florida, this 4th day of October, 2023.

A handwritten signature in black ink, appearing to read 'Rodolfo A. Ruiz II', written over a horizontal line.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE